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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/773,781   | 02/06/2004  | Roger V. Maes        | 7216-001US          | 7883             |
| 7590   | 02/02/2006  |                      |                     | EXAMINER         |
| Jacques M. Dulin, Esq.<br>Innovation Law Group, Ltd.<br>237 N. Sequim Avenue<br>Sequim, WA 98382 |             |                      | WATSON, ROBERT C    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3723                |                  |
| DATE MAILED: 02/02/2006  |             |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|------------------------------|------------------------|---------------------|--|
|                              | 10/773,781             | MAES, ROGER V.      |  |
| Examiner                     | Art Unit               |                     |  |
| Robert C. Watson             | 3723                   |                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 20 January 2006.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4)  Claim(s) 1-17 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-17 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
    Paper No(s)/Mail Date. \_\_\_\_ .  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

This claim depends from an apparatus claim but this claim does not recite any further apparatus limitations. This claim only recites non-substantive intended use. Accordingly, claim 17 does not further restrict a previous claim and is therefore vague and indefinite.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-6, 10, 12-14, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Roberts.

The vise of Roberts includes a base 1, converging engaging surfaces 6 on the base, a screw member 19, a yoke 16, a jaw 26,26, opposing guide channels 14,15 for the yoke, the yoke has cavities 20,25 for receiving the screw member and a portion of the jaw, the ball on the end of the screw is a nonthreaded portion of the screw, and the vise further includes a threaded opening 22.

Claims 7-9 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Maes.

Maes teaches that the base may include three pairs of converging surfaces. To include in the base of Roberts three pairs of converging surfaces would have been

obvious for one skilled in the art at the time the invention was made in view of the disclosure of Maes. One of ordinary skill in the art would have been motivated to do this in order to adapt the clamp to holding several workpieces relative to each other. Maes further teaches that the base may include slots and the clamp legs may have forks for being received in the slots. To provide in Roberts slots in the base and clamp legs with forks would have been obvious for one skilled in the art at the time the invention was made in view of the disclosure of Maes. One of ordinary skill in the art would have been motivated to do this in order to provide convenient detachment of the base from the clamp to facilitate convenient insertion of the workpiece into the clamp.

Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roberts in view of Johnson.

The screw operated jaw of Roberts may obviously include a flanged arcuate jaw in view of the teachings of Johnson. One skilled in the art would have been motivated to do this in order to better guide the moving jaw and to center the workpiece relative to the opposed stationary V-shaped jaw. Note that in the Johnson screw/jaw the screw includes a threaded portion 30 and an unthreaded portion 31.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert C. Watson whose telephone number is 571 272-4498. The examiner can normally be reached on Mon. - Thurs. , 5:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail III can be reached on 571 272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rcw



ROBERT C. WATSON  
PRIMARY EXAMINER